

REMARKS

In the final office action, claims 1 and 2 were rejected as anticipated by Niimi (5,744,889), and claim 4 was rejected as obvious over Niimi in view of Raad (6,578,681) and in further view of Savage et al. (3,042,822).

Applicants have amended claim 1 in a manner consistent with the specification to correct a typographical error in the reference numeral 17 that refers to the laminates, as well as to include that an impeller is coupled to the shaft of the electric motor of the fuel pump and that the fuel pump has a housing in which at least the commutator and brushes are disposed and where they are located within a path of fuel which is advanced through the housing by the impeller. Support for this amendment is found in the detailed description at pages 3-4 of the specification and within drawing Figures 1 and 2.

With this amendment, independent claim 1, and therefore dependent claims 2 and 4 which depend therefrom are distinguishable over the prior art. The Examiner had indicated at page 2 of the office action that no patentable weight had been given to the recitation of “fuel pump” within claim 1. The prior art reference applied by the Examiner, Niimi, discloses an electric machine used as a DC motor in a starter having reduction and pinion gears, and a clutch, Col. 4, lines 40-53, and FIG. 3. Such a machine is designed for *high current* operation, such as is required when cranking an engine. However, it has not been known to use the claimed brush design in a *low current* operation of a fuel pump having an impeller where at least the commutator and brushes are located within a path of fuel that passes through the pump under the pumping influence of the impeller. Nor do Raad or Savage et al. involve or teach such motor designs through which fuel flows.

Thus, it is respectfully submitted that Applicants' claimed invention in which at least a commutator and brushes of an electric motor are located within a housing of a fuel pump where they are placed in contact with fuel which is advanced through the housing by an impeller coupled to a shaft of the electric motor, is neither anticipated or obvious in view of the prior art. Nor is there any indication that one of ordinary skill in the art seeking to design a low current fuel pump having a motor through which fuel flows would have been motivated to look to the teachings of high current starter motors that are not constructed to permit fuel to flow through the motor, and indeed, are not constructed for interaction with fuel.

The above amendments to claim 1 are fully in keeping with the subject matter disclosed and described in the specification, and the fact that the claims have at all times referred to a fuel pump makes it unlikely that such amendments would necessitate another search by the Examiner. In accordance with the above amendments and remarks, Applicants request consideration and entry of the amendments to claim 1, and withdrawal of the final rejections. Applicants submit that with such amendments, independent claim 1, as well as claims 2 and 4 depending therefrom, are patentable and should be allowed. If there are any remaining issues in this application, Applicants urge the Examiner to contact the undersigned attorney at the number listed below.

This response is being submitted with an RCE and the associated fee of \$790.00. Applicants believe that no further fee is due with this response, however, the Commissioner is authorized to charge any fee deficiency due for the filing of this paper to deposit account number 50-2455.

Respectfully submitted,

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